

REMARKS

Claims 1-7, 10-14, 18, and 19 are pending in the application. Applicants thank the Examiner for the indication that claims 10-14 and 19 contain allowable subject matter.

Applicants courteously solicit the Examiner's favorable reconsideration of Claims 1-7 and 18, followed by allowance upon entry of this Amendment.

Claims 1, 2, 4-7, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,162,748 to Schilling (hereinafter "Schilling"), in view of U.S. Patent No. 6,806,800 to Tanno (hereinafter "Tanno"), U.S. Patent No. 6,569,509 to Alts (hereinafter "Alts") and WO 03/021096 (hereinafter "the '096 reference"). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilling, in view of Tanno, Alts, and the '096 reference, and in further view of U.S. Patent No. 3,809,589 to Kerstetter (hereinafter "Kerstetter"). Applicants respectfully traverse these rejections and courteously solicit the Examiner's reconsideration and withdrawal of these rejections.

With regard to claim 1, the applied references fail to disclose or suggest a floor laying material laid on a floor panel provided within a cabin of a vehicle, comprising "a molding material made of a thermoplastic resin formed in a powder or a fiber state is dispersed within said carpet layer" as recited in claim 1.

It appears that this element is nowhere disclosed or suggested from the disclosures of Schilling, Alts, or the '096 reference, and the Office Action makes no such assertion. The Office Action has asserted that newly applied Tanno provides the disclosure of the recited powder or fiber state thermoplastic resin. However, the disclosure of Tanno is directed to an aqueous emulsion composition which is ultimately dried onto the back of a carpet. Tanno's aqueous emulsion composition is

disclosed as containing multiple bonding components, dispersing agents, cross-linking agents, anti-foaming agents, fillers and curing components. None of these components can be considered to be thermoplastic fibers or powders.

Tanno states that powders are undesirable as they tend to scatter and are unfavorable in a working environment. Additionally, Tanno makes no reference to fibrous thermoplastic resins. A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

Conversely, the present application discloses that the use of a powdered or fibrous thermoplastic resins “makes it possible to adjust the flow resistance value of the carpet layer” (Specification [0021]). The present disclosure (Specification [0022]) additionally states:

the flow resistance value of the carpet layer can be readily adjusted by setting the size and arranging density of the powdery or fibrous molding material in accordance with molding conditions such as the temperature, a pressing force and the like upon molding of the carpet layer. In addition, changing the arranging density of the molding material can cause the flow resistance value of the carpet layer to partially change. On the other hand, when a conventional continuous sheet-like backing material is used as a material to impart the molding property to the carpet layer, it is difficult to finely adjust or partially adjust the flow resistance value of the carpet layer.

Applicants submit that the aqueous emulsion of Tanno would not allow such ease of control and modification of the flow resistance value of the carpet layer. Furthermore, Tanno provides no disclosure that such modification would be possible. Additionally, the Applicants submit that Tanno teaches away from the use of

powdered thermoplastic resins and therefore, a *prima facie* case of obviousness has not been provided.

As the applied references fail to disclose or suggest all of the elements recited in claim 1, Applicants respectfully request withdrawal of this rejection.

With regard to claim 2, the Office Action asserts that "Alts discloses said flow resistance value of said carpet layer is adjusted between, 900-2000, thus including 100 Nsm-3 and 500 Nsm-3 (Office Action, page 2). However, Applicants respectfully point out that the range of 900-2000 does not overlap or touch the recited range of "between 100 Nsm-3 and 500 Nsm-3" and cannot, therefore, be applied to suggest or disclose said range. As the applied references fail to disclose or suggest all of the elements recited in claim 2, Applicants respectfully request withdrawal of this rejection.

In view of the above discussion as it applies to claim 1, from which claims 2-7 and 18 depend, it is respectfully submitted that these claims are allowable as well.

It should be appreciated that the foregoing traverses are made without acquiescing in any other rationales urged in the Office Action as to the rejections.

To the extent necessary during prosecution, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any fee not expressly authorized or withheld, including application processing, extension,

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extra claims fees, statutory disclosure, issue, and publication fees, to Deposit Account No. 06-1135 regarding Order No. 7398/84065.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

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